confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

Eldon E. Fallon, of Louisiana, to be U.S. District Judge for the Eastern District of Louisiana.

Joseph Robert Goodwin, of West Virginia, to be U.S. District Judge for the Southern District of West Virginia.

Joe Bradley Pigott, of Mississippi, to be U.S. Attorney for the Southern District of Mississippi for the term of 4 years.

Curtis L. Collier, of Tennessee, to be U.S. District Judge for the Eastern District of Tennessee.

Maxine M. Chesney, of California, to be U.S. District Judge for the Northern District of California.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAMM:

S. 711. A bill to provide for State credit union representation on the National Credit Union Administration Board, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BRYAN:

S. 712. A bill to amend title 28, United States Code, to authorize the award of fees and expenses to prevailing parties in frivolous civil litigation, and for other purposes; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 713. A bill to amend the Employee Retirement Income Security Act of 1974 to provide that the preemption provisions shall not apply to certain State of Oregon laws applicable to health plans; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. KERREY, and Mr. KOHL):

S. 714. A bill to require the Attorney General to study and report to Congress on means of controlling the flow of violent, sexually explicit, harassing, offensive, or otherwise unwanted material in interactive telecommunications systems; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself, Mr. INHOFE, and Mr. HATCH):

S. 715. A bill to provide for portability of health insurance, guaranteed renewability, high risk pools, medical care savings accounts, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM:

S. 716. A bill to amend the Social Security Act to provide for criminal penalties for acts involving medicare or State health care programs, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. PRYOR, and Mr. ROCKEFELLER):

S. 717. A bill to extend the period of issuance of medicare select policies for 12 months, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 718. A bill to require the Administrator of the Environmental Protection Agency to establish an Environmental Financial Advisory Board and Environmental Finance Centers, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. DOLE):

S. Res. 109. A resolution extending the appreciation and gratitude of the United States Senate to Senator ROBERT C. BYRD, on the completion by the Senator of the 4 volume treatise entitled ''The History of the United States Senate'', and for other purposes; considered and agreed to.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRYAN:

S. 712. A bill to amend title 28, United States Code, to authorize the award of fees and expenses to prevailing parties in frivolous civil litigation, and for other purposes; to the Committee on the Judiciary.

FRIVOLOUS LAWSUIT PREVENTION ACT

● Mr. BRYAN. Mr. President, today I am introducing the Frivolous Lawsuit Prevention Act of 1995. This legislation will increase sanctions on lawyers who file frivolous lawsuits.

Almost daily we hear stories about some individual or business settling a lawsuit which has little merit just to avoid the costs associated with a drawn out case. The manhours and resources that can be drained from a business while it goes through such a process can be devastating.

Many of us had hoped that the rules governing the conduct of court behavior would deter frivolous lawsuits. Rule 11 of the Federal Rules of Civil Procedure authorize judges to impose ''an appropriate sanction'' upon an attorney which is ''interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.'' Unfortunately, rule 11 has not lived up to our expectations in curbing abusive lawsuits and, in fact, has been recently watered down.

This legislation is intended to force judges to punish lawyers or litigants who file or pursue cases which the judge regards as frivolous. Judges would be required to impose sanctions when they find frivolous suits, thereby, taking away their discretion. This step needs to be taken because judges have been reluctant to impose sanctions on fellow attorneys. It has always been difficult to get any group to discipline their colleagues, where it is doctors, lawyers or realtors. That is why we must force judges to impose sanctions when frivolous case are filed.

Frivolous lawsuits are a terrible drain on the competitiveness of our Nation. We must provide those who want to fight these frivolous suits rather than settle them the power to go after the perpetrators. I urge my colleagues to support this legislation.●

By Mr. HATFIELD.

S. 713. A bill to amend the Employee Retirement Income Security Act of 1974 to provide that the preemption provisions shall not apply to certain State of Oregon laws applicable to health plans; to the Committee on Labor and Human Resources.

UNIVERSAL ACCESS AND THE OREGON HEALTH PLAN

● Mr. HATFIELD. Mr. President, during the 1989 and 1991 legislative sessions, Oregon's Legislature passed a comprehensive health care reform proposal known as the Oregon Health Plan. The Oregon Health Plan consists of four major reform packages. First, the Medicaid expansion which received a Federal waiver and has provided an additional 100,000 Oregonians with basic health care since it was implemented in February 1994. Second, the high-risk insurance pool which covers Oregonians who are unable to obtain insurance coverage due to preexisting conditions or the exhaustion of their current benefits. Third, the small employer basic health plan which provides for a low-cost insurance plan for small businesses of 25 or fewer employees. And finally, the employer mandate which by 1998 will require all employers in Oregon to provide health benefits for their employees or to pay into a State pool which will then purchase insurance for uninsured employees. When fully implemented the Oregon Health Plan will provide near universal access to health care for all Oregonians.

As my colleagues know, I have spoken many times on this floor about the need to allow States to proceed with innovative health care reform proposals. That is why I have joined with the Senator from Florida [Mr. GRAHAM] in introducing the Health Partnership Act of 1995. The Congress' failure to act on comprehensive national health care reform should not prevent innovative States like Oregon, Florida, Washington, Minnesota, and others from enacting their own health care reform proposals.

Unfortunately, the Federal Government has stymied these efforts in several ways. It took Oregon two administrations and almost 3 years to get the approval necessary to move forward with the Oregon Medicaid expansion. The current waiver process at the Health Care Financing Administration is burdensome and at times overregulatory.

Another major roadblock to State reform is the Employee Retirement Income Security Act, otherwise known as ERISA. Due to the broad interpretation courts have given to the so-called ERISA preemption clause contained in section 514(a) of the act, which states that ERISA ''shall supersede any and all State laws insofar as they may now or hereafter relate to any employee

benefit plan'', States have been limited in enacting comprehensive reforms that attempt to provide universal access to all their State's citizens and to control costs throughout the entire insurance market.

Mr. President, once again I find myself before this body asking for another waiver of Federal law to permit Oregon to go forward with reform that has been advanced by my State. This time it is to allow Oregon to implement the last part of the Oregon Health Plan—the employer mandate.

Oregon's employer mandate is a pay-or-play mandate—in other words, the State will tax employers who choose not to provide health benefits which will be defined by the State for their employees, and then provide health insurance to those uninsured employees through a State insurance pool. While the U.S. Supreme Court has not ruled that this kind of access mechanism violates the ERISA preemption clause, it is certainly subject to an ERISA challenge based on the premise that Oregon is trying to regulate self-insured plans in a way that relates to employee benefit plans.

Under the current ERISA statute, only Congress may statutorily grant ERISA waivers to States. At this time, only one State, Hawaii, has an ERISA exemption and that is only because Hawaii enacted its law before ERISA was enacted. Hawaii's waiver has not been updated since it was granted 20 years ago.

While Senator GRAHAM and I have proposed a mechanism for broad ERISA changes in our health care reform bill which will begin to address the ERISA roadblocks States face, I feel it is necessary to introduce legislation which provides for a specific waiver of ERISA for the State of Oregon. I introduce it as a separate vehicle to underscore the point that one way or another, Oregon needs a green light from the Federal Government in order to fully implement the Oregon Health Plan.

Of course, I understand the concern multi-State employers have about the prospect of administering fifty different health plans across the Nation. This is a valid concern which I hope we can accommodate as we continue to debate the issue of ERISA reform further.

Let me conclude by saying that I hope my colleagues will make note of this problem. Oregon is not the only State that is attempting to enact comprehensive health care reform and if the Supreme Court continues its broad application of ERISA, it is likely that the voices of other States will soon be heard. Comprehensive national reform may be dead for now, but let us not give up on the States to help us find the right answers and make health care available to all Americans.●

By Mr. LEAHY (for himself, Mr. KERREY, and Mr. KOHL):

S. 714. A bill to require the Attorney General to study and report to Congress on means of controlling the flow of violent, sexually explicit, harassing, offensive, or otherwise unwanted material in interactive telecommunications systems; to the Committee on the Judiciary.

CHILD PROTECTION, USER EMPOWERMENT, AND FREE EXPRESSION IN INTERACTIVE MEDIA STUDY ACT

● Mr. LEAHY. Mr. President, I introduce a bill calling for a study by the Department of Justice, in consultation with the U.S. Department of Commerce on how we can empower parents and users of interactive telecommunications systems, such as the Internet, to control the material transmitted to them over those systems. We must find ways to do this that do not invite invasions of privacy, lead to censorship of private online communications, and undercut important constitutional protections.

Before legislating to impose Government regulation on the content of communications in this enormously complex area, I feel we need more information from law enforcement and telecommunications experts. My bill calls for just such a fast-track study of this issue.

There is no question that we are now living through a revolution in telecommunications with cheaper, easier to use, and faster ways to communicate electronically with people within our own homes and communities, and around the globe.

A byproduct of this technical revolution is that supervising our children takes on a new dimension of responsibility. Very young children are so adept with computers that they can sit at a keypad in front of a computer screen at home or at school and connect to the outside world through the Internet or some other on-line service. Many of us are, thus, justifiably concerned about the accessibility of obscene and indecent materials on-line and the ability of parents to monitor and control the materials to which their children are exposed. But Government regulation of the content of all computer and telephone communications, even private communications, in violation of the first amendment is not the answer—it is merely a knee-jerk response.

Heavy-handed efforts by the Government to regulate obscenity on interactive information services will only stifle the free flow of information, discourage the robust development of new information services, and make users avoid using the system.

The problem of policing the Internet is complex and involves many important issues. We need to protect copyrighted materials from illegal copying. We need to protect privacy. And we need to help parents protect their children. Penalties imposed after the harm is done is not enough. We need to find technical means from stopping the harm before it happens.

My bill calls for a study to address the legal and technical issues for empowering users to control the information they receive over electronic interactive services. Instead of rushing to regulate the content of information services, we should encourage the development of technology that gives parents and other consumers the ability to control the information that can be accessed over a modem.

Empowering parents to manage what their kids access over the Internet with technology under their control is far preferable to some of the bills pending in Congress that would criminalize users or deputize information services providers as smut police.

Let's see what this study reveals before we start legislating in ways that could severely damage electronic communications systems, sweep away important constitutional rights, and undercut law enforcement at the same time.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.

(a) STUDY AND REPORT.—Not later than 150 days after the date of enactment of this Act, the Attorney General shall complete a study and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing—

(1) an evaluation of whether current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers are fully enforceable in interactive media;

(2) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce those laws;

(3) an evaluation of the technical means available to—

(A) enable parents to exercise control over the information that their children receive and enable other users to exercise control over the commercial and noncommercial information that they receive over interactive telecommunications systems so that they may avoid violent, sexually explicit, harassing, offensive, or otherwise unwanted material; and

(B) promote the free flow of information consistent, with Constitutional values, in interactive media; and

(4) recommendations to encourage the development and deployment of technical means, including hardware and software, to enable parents to exercise control over the information that their children receive and enable other users to exercise control over the information that they receive over interactive telecommunications systems so that they may avoid harassing, violent, sexually explicit, harassing, offensive, or otherwise unwanted material.

(b) CONSULTATION.—In conducting the study and preparing the report under subsection (a), the Attorney General shall consult with the National Telecommunications and Information Administration of the Department of Commerce.●

By Mr. D'AMATO (for himself, Mr. INHOFE, and Mr. HATCH):

S. 715. A bill to provide for portability of health insurance, guaranteed renewability, high risk pools, medical care savings accounts, and for other purposes; to the Committee on Finance.

HEALTH INSURANCE PORTABILITY AND GUARANTEED RENEWABILITY ACT

● Mr. D'AMATO. Mr. President, I rise today to introduce the Health Insurance Portability and Guaranteed Renewability Act of 1995. I am pleased to be joined by Senators INHOFE and HATCH an introducing this important legislation.

President Clinton, in his 1993 joint session address, said that ''Millions of Americans are just a pink slip away from losing their health insurance, and one serious illness away from losing all their savings.''

While the President's statement was right, his prescription for reform—as the American people told us in no uncertain terms—was dead wrong. We must find a way to give Americans greater health security without turning the whole system over to the Federal Government, as the President had proposed. We must address the public's insecurities regarding their health insurance while preserving what works in the American health care system and allowing the free market to work.

That is why I am today introducing the Health Insurance Portability and Guaranteed Renewability Act of 1995. This is a bill which I am confident will go a long way toward accomplishing these goals.

First, our bill would eliminate job lock by guaranteeing that people who change jobs will be covered by their new employer's plan without regard to preexisting medical conditions.

It will expand COBRA to provide for continuation of coverage for all individuals employed by firms of two or more employees, and extends COBRA coverage from 18 to 36 months. Therefore, employees losing their jobs will have the opportunity to continue their health coverage for an additional 18 months under their current plan. Present COBRA law benefits only those employers with more than 20 employees.

It will help control health costs by changing the tax law to allow tax-free medical savings accounts. Empirical evidence demonstrates that medical saving accounts can control costs and promote wellness without jeopardizing quality of care. Money saved in such accounts by employees can be used to pay COBRA premiums, if needed.

It will provide a safety net for people who cannot qualify for health insurance by giving them access to health insurance through high-risk pools.

Finally, it will prevent insurance companies from singling out any individual or small group for rate increases or cancellation based on claims experience.

I believe this bill goes a long way toward giving the American people what they want—greater health security without a Big Government takeover of our Nation's health care system. The fact that it can be implemented without new taxes, and without adding to the deficit, is further reason that the Health Insurance Portability and Guaranteed Renewability Act of 1995 should be enacted without delay.●

By Mr. GRAHAM:

S. 716. A bill to amend the Social Security Act to provide for criminal penalties for acts involving Medicare or State health care programs, and for other purposes; to the Committee on Finance.

HEALTH REFORM ENHANCEMENT ACT

● Mr. GRAHAM. Mr. President, I introduce legislation to clarify that States which already use, or which seek to utilize, Medicaid dollars to pay private health insurance premiums would be allowed to do so.

Unfortunately, a recent interpretation of the anti-kickback statute by the Department of Justice and the Department of Health and Human Services has placed at risk innovative Government programs that attempt to channel Medicaid and Medicare dollars through the private sector through mechanisms such as the purchase of health insurance policies or the payment for managed care. That interpretation, which could apply the anti-kickback statute to insurance agent commissions, came as part of Florida's waiver request for a Medicaid demonstration project. Such an interpretation ignores the fact that insurance agents are an integral part of any system relying in whole or in part on private health insurance coverage.

In the State's submission of its Florida Health Security [FHS] waiver on February 9, 1994, the proposal would—if enacted—provide 1.1 million additional Floridians with insurance coverage up to 250 percent of the poverty level. FHS participants would buy a standard benefit package offered through a community health purchasing alliance and receive, according to their income, a premium discount to make the package affordable.

Florida's proposal is innovative but in many ways simple. As the State has explained in its proposal,

> Through the managed competition system developed in Florida and improved program management, the [State] expects to reduce the cost of health care, thereby increasing the funds available for subsidizing insurance for Florida's uninsured. The net result of this arrangement will be lower health care costs overall in the State and greater access to health care for a significant portion of Florida's currently uninsured residents.

Through the community health purchasing alliances established by the State, private sector small businesses are already seeing reductions in their health premiums of between 10 to 50 percent across the State. The State would like to see its Medicaid Program and other small businesses achieve similar results.

On September 14, 1994, after 7 months of negotiations with the Department of Health and Human Services and the Department of Justice, the Federal Government granted a conditional waiver approval to allow Florida to implement the State's proposed reforms. By granting this important request, Florida would be allowed to use Medicaid funds to provide insurance premium discounts to working, uninsured Floridians traditionally ineligible for Medicaid.

As a result, despite the Federal Government's failure to move toward the goals of health reform such as increased access, cost containment and quality, Florida could do so through Florida health security.

First and foremost, let me reemphasize that this waiver program would allow an additional 1.1 million Floridians obtain health insurance coverage—thereby reducing the State's uninsured rate by over 40 percent. Moreover, of the 2.7 million Floridians presently without health insurance, 1 million are children. With the plan's requirement that 80 percent of the enrollment spaces be reserved for lower-income, uninsured families, children will disproportionately benefit from this initiative.

In addition, this waiver would eliminate the all-or-none approach of Medicaid by creating a sliding scale of contributions for those above the Medicaid poverty threshold and up to 250 percent of poverty. At present, Medicaid's all-or-none approach creates the perverse incentive of encouraging people to remain unemployed and in poverty in order to continue to have health care coverage. Florida's approach would clearly help get people off welfare and be a much fairer system than what we have now.

The waiver also allows Florida and the Federal Government better control over the costs of the Medicaid Program. Since 1982, Florida's Medicaid Program has increased from $1 billion to $7 billion. From 1990 through 1993, Florida saw its Medicaid budget expand by 30, 26, and 19 percent, respectively. Instead, over the 5-year period of Florida's waiver program, costs would be controlled and managed through the increased use of case management and managed care in the private sector. Through these savings, the State and the Federal Government will be able to provide coverage to over 1 million previously uninsured Floridians without spending additional revenue.

In short, Florida's Health Security Program would expand access and health coverage without raising taxes, control costs and break the categorical link between health care and welfare.

To implement this program, Florida Health Security will utilize the already successfully established community health purchasing alliances, which have reduced premiums for participating small businesses by 10 to 50 percent

this year. As a result of this, private health plans and insurance agents will be integrally involved in the Florida Health Security Program.

In fact, under Florida Health Security, accountable health partnerships would submit bids on premium rates for the standard benefit plan, with a portion of the premium to be paid by Medicaid. Insurance agents would be directly involved in the process due to the fact that they are an integral part of this process. The alternative would be to employ a statewide force of State workers to provide such enrollment services, which would be wasteful and inefficient in comparison such agents are already trained and available in all areas across the State.

Unfortunately, HHS and the Department of Justice have expressed concern that payments to insurance agents by accountable health plans might violate the Social Security anti-kickback statute. Clearly, the 1977 anti-kickback statute was not intended or even contemplated to apply to programs like Florida's demonstration project.

In fact, there are already numerous and widespread examples of Medicare and Medicaid funds being used for the payment, directly or indirectly, to insurance agents. These include Medicaid revisions in the Family Support Act of 1988, which creates a Medicaid wraparound option allowing States to use Medicaid funds to pay a family's expenses for premiums, deductibles and coinsurance for any health care coverage offered by the employer.

As the State argued while pursuing the waiver, since insurance companies use insurance agents, the purchase of insurance and the payment of premiums of necessity results in the payment of a commission to an insurance agent. This is also true when Medicaid funds health maintenance organizations [HMO's], the Medicare Risk Program and various State plans relating to areas such as the enrollment of Medicaid eligibles in group health plans.

Through the section 1115 Medicaid demonstration project waiver process, Florida is attempting, for the first time, to use Medicaid funds to purchase private health insurance on a wide scale. However, by mistakenly applying the anti-kickback statute beyond its intended scope to insurance agent commissions, the Departments of Justice and Health and Human Services would effectively and radically alter the demonstration. As noted before, insurance agents are an integral part of the existing health insurance system and our critical to the implementation of Florida's Health Security Program.

As a result, this legislation focuses narrowly on clarifying that the 1977 anti-kickback statute would not unnecessarily be applied to Medicaid demonstration projects and Medicaid managed care programs, which were initiatives that were not anticipated in the original adoption of the statute. Failure to adopt this language, with Justice's and HHS's present interpretation of the statute, could very well jeopardize every State or Federal health plan which already uses, or which seeks to use, Federal moneys to fund private health insurance coverage.

Through either payments to employers or directly to individuals, many States have Medicaid programs that buy private insurance policies and thereby result in the payment of insurance agent commissions. States such as Oregon, California, Vermont, Kansas, Kentucky, South Carolina, Massachusetts, Missouri, Iowa, Virginia, Ohio, and New Jersey have such arrangements and do not withhold payment for commissions or limit the commissions which can be paid. These innovative Medicaid programs and Medicare risk contracts could all be jeopardized without language clarifying the intent of the anti-kickback statute.

I urge my colleagues to support this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CRIMINAL PENALTIES FOR ACTS INVOLVING MEDICARE OR STATE HEALTH CARE PROGRAMS.

Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(F)(i) any premium payment made to a health insurer or health maintenance organization by a State agency in connection with a demonstration project operated under the State medicaid program pursuant to section 1115 respect to individuals participating in such project; or

''(ii) any payment made by a health insurer or a health maintenance organization to a sales representative or a licensed insurance agent for the purpose of servicing, marketing, or enrolling individuals participating in such demonstration project in a health plan offered by such an insurer or organization.''.●

By Mr. GRAHAM (for himself, Mr. PRYOR, and Mr. ROCKEFELLER):

S. 717. A bill to extend the period of issuance of Medicare select policies for 12 months, and for other purposes; to the Committee on Finance.

HEALTH CARE LEGISLATION

● Mr. GRAHAM. Mr. President, I introduce legislation with Senators PRYOR and ROCKEFELLER to extend the reauthorization of the Medicare Select Program from July 1, 1995, to July 1, 1996. Florida is one of the 15 States originally authorized to participate in the program and more than 20,000 people in Florida were participating in Medicare select by the end of 1994.

Medicare select has created a more uniform and understandable set of policies for seniors to choose from in the Medicare supplemental market. As the August 1994 article entitled ''Filling the Gaps in Medicare'' in Consumer Reports said.

> The law has had positive effects. It eliminated the bewildering variety of benefits that insurance companies had been selling. It made agents wary of selling a prospect more than one Medicare-supplement policy, a useless and costly duplication of coverage.

The Blue Cross Blue Shield of Florida's select policy ranks among the best values in the Nation.

However, the expiration date is quickly approaching for this demonstration program. Florida Blue Cross Blue Shield would have preferred the program to have already been extended by April 1, 1995, so that Florida's Medicare beneficiaries and providers could have avoided any disruption in the program. That date has passed. In fact, if not extended shortly, health plans and providers will have to prepare to close the program to new Medicare enrollees on June 30. The consequences would be to significantly increase premiums for current Medicare select enrollees and could lead to deterioration of networks as providers choose to leave the expired program.

In S. 308, the Health Partnership Act, that I introduced with Senator HATFIELD on February 1, 1995, our legislation would have made the program permanent and expanded the program to all 50 States. I no longer believe this is possible in time to prevent disruption to plans. Although the House passed a version to extend the program for 5 years with an accompanying study to determine whether the program results in savings to enrollees, reduces expenditures in the Medicare Program, and impacts access to and quality of care, Senate review of the program could not take place quickly enough to prevent disruption in the 15 States.

Moreover, a study of the items called for by the House is already being conducted by the Health Care Financing Administration through the Research Triangle Institute. Rather than commissioning yet another analysis of Medicare select, wasting the money already being spent to study the program and waiting another 3 years to make potential improvements in the program, it would be better to immediately move forward with a 1-year reauthorization of the program. In the meantime, Congress should consider improvements to Medicare select based upon the forthcoming study and other information we will receive. At that time, Congress should extend the program to all 50 States.

During the next year, there are many questions we should be asking of this program. For one, what impact is this program having on Medicare? Moreover, there have been questions raised as to the rating methods used to price and sell these products. According to Consumer Reports,

Unless state regulations outlaw attained-age pricing or national health reform makes community rating mandatory for Medicare-supplement policies . . . attained-age pricing will take over the marketplace, with serious consequences to the oldest policyholders.

This is something both Congress and the States should be reviewing.

As a result, Mr. President, I urge urgent and immediate consideration of this legislation by the Senate and ask unanimous consent that the text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 12-MONTH EXTENSION OF PERIOD FOR ISSUANCE OF MEDICARE SELECT POLICIES.

(a) IN GENERAL.—Section 4358(c) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1320c–3 note) is amended by striking ''3½-year'' and inserting ''54-month''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Omnibus Budget Reconciliation Act of 1990.●

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 718. A bill to require the Administrator of the Environmental Protection Agency to establish an Environmental Financial Advisory Board and Environmental Finance Centers, and for other purposes; to the Committee on Environment and Public Works.

ENVIRONMENTAL FINANCE ACT

● Mr. MOYNIHAN. Mr. President, on behalf of myself and Senator D'AMATO, I introduce the Environmental Finance Act of 1995. This bill will make permanent the Environmental Protection Agency's Environmental Financial Advisory Board.

As my colleagues are well aware, Congress has appropriated billions of dollars in the last 20 years for environmental improvements. While great progress has been made, much remains to be done. Over the last several years the EPA has produced significant data showing a shortfall between the need for environmental infrastructure and the resources available to meet that need.

Environmental problems are some of the more compelling, complex, and controversial issues confronting the more than 83,000 local governments in the United States. Government officials are increasingly held liable for violations of environmental statutes, and have to finance environmental requirements imposed from Washington. Reporting requirements are increasing not only in frequency but in technical difficulty.

With this burden now falling heavily on State and local governments, new means to pay for environmental services and infrastructure must be found. This is imperative if we are to maintain and build upon the significant environmental gains made thus far.

In 1989, the Environmental Financial Advisory Board [EFAB] was created for the reasons I have just described. Over the last 4 years, the EFAB has provided advice and analysis to the EPA on how to pay for environmental protection and leverage public and private resources. The EFAB was initially a committee of the National Advisory Council for Environmental Technology Policy, and in 1991 it became an independent advisory board consistent with the requirements of the Federal Advisory Committee Act.

The EFAB has been assigned the role of providing advice on environmental financing. Its objectives include the following: Reducing the cost of financing environmental facilities and discouraging pollution; creating incentives to increase private investment in the provision of environmental services; removing or reducing constraints on private involvement in environmental financing; identifying approaches specifically targeted to small community financing; assessing government strategies for implementing public-private partnerships; and reviewing governmental principles of accounting and disclosure standards for their effect on environmental programs.

The EFAB charter terminated on February 25, 1993. I am greatly pleased that EPA has initiated a renewal of the EFAB charter. It is, indeed, the intention of this legislation to help the EPA by creating in statute this most worthy program. Former EPA Administrator William K. Reilly testified before the House Appropriations Committee in 1991 and expressed his hope that the EFAB would eventually become for the financing field what the Science Advisory Board has become to the field of environmental science. I share his determination.

Mr. President, my legislation also will establish Environmental Finance Centers at universities throughout the country. This legislation will establish environmental finance centers in each of the 10 Federal regions. These permanent centers will be effective vehicles for the promotion of innovative financing techniques. Currently, two pilot environmental finance centers at the Universities of New Mexico and Maryland promote new financing options by providing training to State and local officials, distributing publications, giving technical assistance targeted to local needs, and hosting meetings and workshops for State and local officials. These centers will work in conjunction with the EFAB to help States build their capacity to protect the environment. The Environmental Finance Centers are initially to be partially funded through Federal grants, with the goal that they eventually will become self-sufficient.

In my own State, Syracuse University's Maxwell School of Citizenship and Public Affairs, drawing on the talents Syracuse's Schools of Engineering and Law, and the State University of New York's School of Forestry, is the EPA's Region II Environmental Finance Center. The Maxwell School ranks among the country's finest institutions; its applied research centers in public finance, metropolitan studies, and technology and information policy are ranked among the nation's top three such centers. The Metropolitan Studies Program is a national leader in examining a broad range of issues involving regional economic development and public finance in the United States.

The Maxwell School has established a Center for Environmental Policy and Administration in which analysis of environmental issues, such as those envisioned for the EFAB and the regional Environmental Finance Centers, will play a major role. In addition, the Syracuse Law School is establishing an environmental law center that will complement the Finance Center.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Environmental Finance Act of 1995''.

SEC. 2. PURPOSE.

The purpose of this Act is to require—

(1)(A) the Administrator of the Environmental Protection Agency to establish an Environmental Financial Advisory Board to provide expert advice and recommendations to Congress and the Administrator on issues, trends, options, innovations, and tax matters affecting the cost and financing of environmental protection by State and local governments; and

(B) the Board to study methods to—

(i) lower costs of environmental infrastructure and services;

(ii) increase investment in public and private environmental infrastructure; and

(iii) build State and local capacity to plan and pay for environmental infrastructure and services; and

(2)(A) the Administrator to establish and support Environmental Finance Centers in institutions of higher education;

(B) the Centers to carry out activities to improve the capability of State and local governments to manage environmental programs; and

(C) the Administrator to provide Federal funding to the Centers, with a goal that the Centers will eventually become financially self-sufficient.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BOARD.—The term ''Board'' means the Environmental Financial Advisory Board established under section 4.

(3) CENTER.—The term ''Center'' means an Environmental Finance Center established under section 5.

SEC. 4. ENVIRONMENTAL FINANCIAL ADVISORY BOARD.

(a) IN GENERAL.—The Administrator shall establish an Environmental Financial Advisory Board to provide expert advice on issues

affecting the costs and financing of environmental activities at the Federal, State, and local levels. The Board shall report to the Administrator, and shall make the services and expertise of the Board available to Congress.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall consist of 35 members appointed by the Administrator.

(2) TERMS.—A member of the Board shall serve for a term of 2 years, except that 20 of the members initially appointed to the Board shall serve for a term of 1 year.

(3) QUALIFICATIONS.—The members of the Board shall be individuals with expertise in financial matters and shall be chosen from among elected officials and representatives of national trade and environmental organizations, the financial, banking, and legal communities, business and industry, and academia.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Board shall elect a Chairperson and Vice Chairperson, who shall each serve a term of 2 years.

(c) DUTIES.—After establishing appropriate rules and procedures for the operations of the Board, the Board shall—

(1) work with the Science Advisory Board, established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), to identify and develop methods to integrate risk and finance considerations into environmental decisionmaking;

(2) identify and examine strategies to enhance environmental protection in urban areas, reduce disproportionate risks facing urban communities, and promote economic revitalization and environmentally sustainable development;

(3) develop and recommend initiatives to expand opportunities for the export of United States financial services and environmental technologies;

(4) develop alternative financing mechanisms to assist State and local governments in paying for environmental programs;

(5) develop alternative financing mechanisms and strategies to meet the unique needs of small and economically disadvantaged communities; and

(6) undertake such other activities as the Board determines will further the purpose of this Act.

(d) RECOMMENDATIONS.—The Board may recommend to Congress and the Administrator legislative and policy initiatives to make financing for environmental protection more available and less costly.

(e) OPEN MEETINGS.—The Board shall hold open meetings and seek input from the public and other interested parties in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and shall otherwise be subject to the Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1996 through 2000.

SEC. 5. ENVIRONMENTAL FINANCE CENTERS.

(a) IN GENERAL.—The Administrator shall establish and support an Environmental Finance Center in an institution of higher education in each of the regions of the Environmental Protection Agency.

(b) DUTIES AND POWERS.—A Center shall coordinate the activities of the Center with the Board and may—

(1) provide on-site and off-site training of State and local officials;

(2) publish newsletters, course materials, proceedings, and other publications relating to financing of environmental infrastructure;

(3) initiate and conduct conferences, seminars, and advisory panels on specific financial issues relating to environmental programs and projects;

(4) establish electronic database and contact services to disseminate information to public entities on financing alternatives for State and local environmental programs;

(5) generate case studies and special reports;

(6) develop inventories and surveys of financial issues and needs of State and local governments;

(7) identify financial programs, initiatives, and alternative financing mechanisms for training purposes;

(8) hold public meetings on finance issues; and

(9) collaborate with another Center on projects and exchange information.

(c) GRANTS.—The Administrator may make grants to institutions of higher education to carry out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 1996 through 2000.●

ADDITIONAL COSPONSORS

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

At the request of Mr. MCCONNELL, his name was withdrawn as a cosponsor of S. 277, supra.

S. 328

At the request of Mr. SANTORUM, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 328, a bill to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes.

S. 384

At the request of Mr. BROWN, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 384, a bill to require a report on United States support for Mexico during its debt crisis, and for other purposes.

S. 394

At the request of Mr. D'AMATO, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 394, a bill to clarify the liability of banking and lending agencies, lenders, and fiduciaries, and for other purposes.

S. 457

At the request of Mr. SIMON, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 457, a bill to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws.

S. 508

At the request of Mr. BREAUX, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 508, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 584

At the request of Mr. ROBB, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 584, a bill to authorize the award of the Purple Heart to persons who were prisoners of war on or before April 25, 1962.

S. 641

At the request of Mr. KENNEDY, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Iowa [Mr. HARKIN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Dakota [Mr. DORGAN], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 704

At the request of Mr. SIMON, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

SENATE JOINT RESOLUTION 26

At the request of Mr. SIMPSON, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of Senate Joint Resolution 26, a joint resolution designating April 9, 1995, and April 9, 1996, as ''National Former Prisoner of War Recognition Day.''

SENATE JOINT RESOLUTION 32

At the request of Mr. HATCH, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of Senate Joint Resolution 32, a joint resolution expressing the concern of the Congress regarding certain recent remarks that unfairly and inaccurately maligned the integrity of the Nation's law enforcement officers.

SENATE RESOLUTION 109—EXTENDING THE APPRECIATION AND GRATITUDE OF THE U.S. SENATE TO SENATOR ROBERT C. BYRD

Mr. DASCHLE (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 109

Whereas Senator Robert C. Byrd on Friday, March 21, 1980, delivered on the floor of the Senate, an extemporaneous address on the history, customs, and traditions of the Senate;

Whereas on the following Friday, March 28, 1980, the Senator delivered a second, and once more spontaneous, installment of his chronicle on the Senate;

Whereas the first 2 speeches generated such intense interest that several Senators and others asked Senator Byrd to continue the speeches, particularly in anticipation of the forthcoming bicentennial of the Senate in 1989;

Whereas over the following decade Senator Byrd delivered 100 additional addresses on various aspects of the political and institutional history of the Senate;

Whereas in anticipation of commemorating the 200th anniversary of the Senate, Congress in 1987 authorized publication of the